

FILED

JUL 14 2006

C. THY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC HO,

Defendant - Appellant.

No. 06-10395

D.C. No. CR-05-00027-2-MJS
District of Hawaii,
Honolulu

ORDER

A review of the record suggests that this court may lack jurisdiction over the appeal because the notice of appeal was not timely filed. Appellant filed the notice of appeal on June 6, 2006, from the judgment entered by the district court on March 13, 2006, more than 10 days from entry of judgment. *See* Fed. R. App. P. 4(b)(1), (4).

Within 21 days after the filing date of this order, appellant shall move for voluntary dismissal of the appeal or show cause why it should not be dismissed for lack of jurisdiction. If appellant elects to show cause, appellee may respond within 8 days after service of appellant's memorandum.

If appellant does not comply with this order, the appeal may be dismissed without further notice to appellant.

Briefing is suspended pending further order of the court.

For the Court:

RECEIVED
CLERK, U.S. DISTRICT COURT

JUL 19 2006

DISTRICT OF HAWAII



Adrienne H. Hickman, Deputy Clerk
Ninth Cir. R. 27-7 G.O. /Appendix A

SCANNED